IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.8902 of 2002

Dated: July 5, 2006

Between:

Itakala Pallaiah Swamy Temple, Akuthotapalli Village, rep. by its Manager, Poojari Kesavaiah, S/o. Busappa, aged 39 years, R/o. Akuthotapalli Village, Anantapur District.

... Petitioner

And

The Circle Inspector of Police, Itukalapalli Circle, Anantapur District, and others.

... Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of Respondent Nos. 1 and 2 in interfering with the day-to-day activities of the petitioner as arbitrary and a consequential direction to the respondents is sought to Respondent Nos.1 and 2 not to interfere with the day-to-day activities of the petitioner.

2. The case of the manager of the petitioner, which is a temple by

name ‘Itijala Pallaiah Swamy Temple’, is that the said temple has been in existence since a century and its deity Itukula Pallaiah Swamy is worshipped by the Kuruba community. It is stated that the said temple has certain movable properties. It is further stated that the father of the third respondent herein filed a suit in O.S.No.367/97 on the file of the Junior Civil Judge, Anantapur, which was dismissed for default and after his death, his son, i.e. the third respondent is interfering with the day-to-day activities of the petitioner temple and is claiming its property. It is further stated that questioning the said interference, a suit in O.S.No.232 of 2002 was filed on the file of the Junior Civil Judge, Anantapur, and the same is pending. The grievance of the petitioner is that at the instance of the third respondent, Respondent Nos.1 and 2 are interfering with the day-to-day activities of the said temple.

3. This Court, while admitting the writ petition, by its order dated 07-05-2002, granted interim direction, directing the respondents not to interfere with the day-to-day religious activities of the petitioner, pending further orders.

4. Though the writ petition is of the year 2002, no counter affidavit has been filed till date, controverting the allegations of the petitioner.

5. In that view of the matter, I dispose of the writ petition directing Respondent Nos. 1 and 2 not to interfere with the day-to-day activities of the petitioner temple. However, it is made clear that if law and order problem arises either from the petitioner or from the third respondent, it is open for Respondent Nos. 1 and 2 to act in accordance with law.

6. The writ petition is disposed of with the above directions. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 5, 2006
MRR